



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,378	12/09/2003	William Webb	035451-0109A	1377
26371	7590	10/12/2005	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			DATSKOVSKIY, MICHAEL V	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,378

Applicant(s)

WEBB ET AL.

Examiner

Michael V. Datskovskiy

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 11, 15-24, 26 –30 are rejected under 35 U.S.C. 102(e) as being anticipated by Sirola et al.

Sirola et al teach a handheld electronic communications device 1, Figs. 1-5, comprising: a housing 2 supporting communication electronics and a display 6, the housing having a periphery; a first platform 9 integrated into the housing and supporting a first set of keys, the first set of keys being a subset of a full set of alphabetic keys, the full set of alphabetic keys comprising raised key buttons 11b; a second platform 7 supporting a second set of keys 11a, the second set of keys being a subset of the full set of alphabetic keys; a hinge 8 coupled between the first platform and the second platform, the hinge allowing movement of the second platform from a first position to a second position, wherein the first platform is within the periphery, when the second platform is in

Art Unit: 2835

the first and second positions, and wherein the second platform in the first position is within the periphery. Sirola et al teach furthermore: the second platform in the first position conceals the alphabetical keys from view; the alphabetic keys comprise a QWVRTY keyboard; the second platform in the second position allows the user to hold the housing in one hand and to type with the thumbs; the electronic device includes a mobile phone transceiver comprising cellular phone capabilities and handheld computer or personal digital assistant capabilities including wireless e-mail capabilities. Sirola et al teach furthermore: the configuration of the first set of keys is symmetrical with the configuration of the second set of keys; the handheld electronic device further comprising at least one input key 10 that is exposed when the second platform is in the first position. Regarding to the claims 15-26: The method steps are necessitated by the device structure as Sirola et al teach it.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sirola et al in view of Lefort (US Patent 6,469,910).

Sirola et al teach all the limitations of the claims except: said at least one input key is an application launching key (Sirola et al teach an application launching key 21 located in the first set of keys); or said at least one input key is a navigation key; or it is both.

Art Unit: 2835

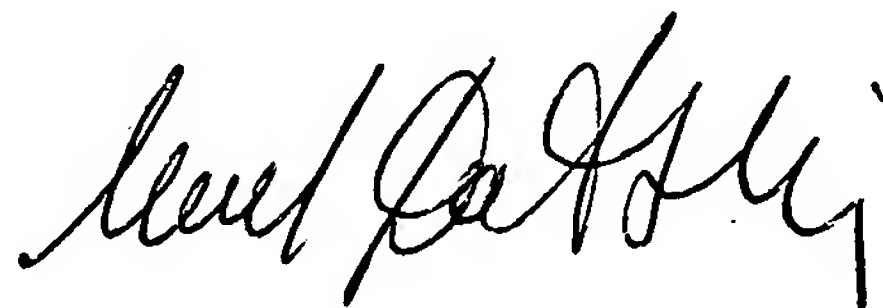
Lefort teaches a handheld electronic communications device 10, Figs. 1-4, comprising: a housing supporting communication electronics and a display 6, the housing having a periphery; a first platform 5 integrated into the housing and supporting a first set of keys, the first set of keys comprising raised key buttons 5A; a second platform 4 supporting a second set of keys 4A, a hinge 7 coupled between the first platform and the second platform, the hinge allowing movement of the second platform from a first position to a second position, wherein the first platform is within the periphery, when the second platform is in the first and second positions, and wherein the second platform in the first and second positions is within the periphery. Lefort teaches furthermore: the second platform in the first position conceals the sets of keys from view; the second platform in the second position allows the user to hold the housing in one hand and to type with the thumbs; the electronic device includes a mobile phone transceiver comprising cellular phone capabilities and handheld computer or personal digital assistant capabilities including wireless e-mail capabilities. Lefort teaches furthermore: the handheld electronic device further comprising at least one input key 11 that is exposed when the second platform is in the first position, wherein said input key 11 is a navigation key. It would have been obvious to one ordinary skilled in the art at the time invention was made to designate available input key in the device by Sirola et al as a navigation key or any other purpose button key as it is shown by Lefort.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

Art Unit: 2835

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael V Datskovskiy
Primary Examiner
Art Unit 2835

10/04/2005